

REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claim 6 has been cancelled, while the claims have been amended for clarity.

In view of the cancellation of claim 6, Applicants believe that the Examiner's 35 U.S.C. 112, paragraph 2, rejection thereof has been obviated.

The Examiner has rejected claims 1-6 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 7,088,667 to Kobayashi.

The Kobayashi patent discloses an optical disc, optical disc recording/reproducing apparatus, and optical disc recording/reproducing method, in which an optical disc has control information, including recording seed information recorded thereon.

As noted in MPEP § 2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The Examiner has indicated that "the control information comprises a first set of recording parameters (RVI codes 00h-03h in Figure 4 and the corresponding WSI in Figure 5) for the recording

process at a first range of recording speeds (1X-4X), and a second set of recording parameters (RVI codes 02h-05h in Figure 4 and the corresponding WSI in Figure 5) for the recording process at a second range of recording speeds (3X-6X)."

Applicants submit that the Examiner is mistaken. In particular, the recording velocity information (RVI) table is not recorded on the record carrier, but rather is recorded in ROM in the recording/reproducing apparatus (see col. 5, lines 62-65). Rather, in one embodiment, one RVI and its corresponding WSI (write strategy information) are selected and recorded on the record carrier. Alternatively, a plurality of sets of a single RVI and its corresponding WSI are recorded on the record carrier (see fig. 6A, vol. 6, lines 42-45). Hence, the Examiner's grouping of RVI codes 00h-03h and 02h-05h are attempts to show the claimed first and second ranges of recording speeds, but have nothing to do with what is disclosed as being recorded on the record carrier.

In fact, all that is being disclosed by Kobayashi is that the record carrier has recorded thereon a plurality of sets of a single RVI code and its corresponding WSI, there being no disclosure or suggestion that the control information recorded on the record carrier "comprises a first set of recording parameters for the recording process at a first range of recording speeds, and a second set of recording parameters, separate from said first set of recording parameters, for the recording process at a second range of recording speeds".

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-5, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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